

113TH CONGRESS  
1ST SESSION

# H. R. 2904

To provide for payment to the survivor or surviving family members of compensation otherwise payable to a contractor employee of the Department of Energy who dies after application for compensation under the Energy Employees Occupational Illness Compensation Program Act of 2000, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

AUGUST 1, 2013

Mr. WHITFIELD (for himself, Mr. POLIS, Mr. PERLMUTTER, Mr. BEN RAY LUJÁN of New Mexico, Ms. DEGETTE, Mr. LOEBSACK, Ms. KAPTUR, Ms. BROWNLEY of California, Mr. YOUNG of Florida, Mr. COFFMAN, and Mr. HONDA) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To provide for payment to the survivor or surviving family members of compensation otherwise payable to a contractor employee of the Department of Energy who dies after application for compensation under the Energy Employees Occupational Illness Compensation Program Act of 2000, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

## **1 SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Nuclear Workers Com-  
3 pensation Act”.

**4 SEC. 2. PAYMENT OF COMPENSATION TO SURVIVORS OF**  
**5 DEPARTMENT OF ENERGY CONTRACTOR EM-**  
**6 PLOYEES.**

7       (a) IN GENERAL.—Section 3672 of the Energy Em-  
8 ployees Occupational Illness Compensation Program Act  
9 of 2000 (42 U.S.C. 7385s–1) is amended to read as fol-  
10 lows:

#### **11 "SEC. 3672. COMPENSATION TO BE PROVIDED.**

12 "Subject to the other provisions of this subtitle:

13                   “(1) CONTRACTOR EMPLOYEES.—

14                 “(A) IN GENERAL.—A covered DOE con-  
15                 tractor employee shall receive contractor em-  
16                 ployee compensation under this subtitle in ac-  
17                 cordance with section 3673.

18                   “(B) COMPENSATION AFTER DEATH OF  
19                   CONTRACTOR EMPLOYEE.—

“(i) IN GENERAL.—Except as provided in paragraph (2)(B), if the death of a contractor employee occurs after the employee applies for compensation under this subtitle but before such compensation is paid, the amount of compensation described in clause (ii) shall be paid to a sur-

1                   vivor (as that term is used in section  
2                   3674) of the employee or, if the employee  
3                   has no such survivors, to the surviving  
4                   family members of the employee in accord-  
5                   ance with the procedures set forth in sec-  
6                   tion 3628(e)(1).

7                   “(ii) AMOUNT OF COMPENSATION.—  
8                   The amount of compensation described in  
9                   this clause is the amount of compensation  
10                  the contractor employee would have re-  
11                  ceived pursuant to section 3673(a), except  
12                  that if the Secretary cannot determine the  
13                  minimum impairment rating of the em-  
14                  ployee under paragraph (1) of such section  
15                  as a result of the death of the employee,  
16                  such compensation shall not include com-  
17                  pensation pursuant to such paragraph.

18                  “(2) SURVIVORS.—

19                  “(A) IN GENERAL.—Except as provided in  
20                  subparagraph (B) or paragraph (1)(B), a sur-  
21                  vivor of a covered DOE contractor employee  
22                  shall receive contractor employee compensation  
23                  under this subtitle in accordance with section  
24                  3674.

1                 “(B) ELECTION OF CONTRACTOR EMPLOYEE COMPENSATION OR SURVIVOR COMPENSATION.—A survivor who is otherwise eligible to receive compensation pursuant to both subparagraph (A) and paragraph (1)(B) shall not receive compensation pursuant to both subparagraph (A) and paragraph (1)(B), but shall receive compensation pursuant to subparagraph (A) or paragraph (1)(B), as elected by the survivor.

11                 “(C) COMPENSATION AFTER DEATH OF SURVIVOR.—If the death of a survivor occurs after the survivor applies for compensation under this subtitle but before such compensation is paid and, in the case of compensation pursuant to paragraph (1)(B), there are no other survivors (as that term is used in section 3674) of the employee, the amount of compensation the survivor would have received under this section shall be paid to the surviving family members of the employee in accordance with the procedures set forth in section 3628(e)(1).”.

24                 (b) APPLICABILITY.—The provisions of section 3672  
25 of the Energy Employees Occupational Illness Compensa-

1 tion Program Act of 2000 (42 U.S.C. 7385s-1), as  
2 amended by subsection (a), shall apply to applications for  
3 compensation under subtitle E of such Act filed before,  
4 on, or after the date of the enactment of this Act.

